

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 18, 2007

D047445 Nunez v. Alaniz et al.

The judgment is affirmed. Respondents are awarded costs on appeal. O'Rourke, J.;
We Concur: Huffman, Acting P.J., McDonald, J.

D050947 In re the Marraige of Trabanino

The petition for writ of supersedeas is granted. The Imperial County Superior Court's order of June 1, 2007, transferring jurisdiction of this matter to Arizona is stayed pending further order of this court.

D050441 In re Sims on Habeas Corpus

The petition is denied.

D047639 People v. Jimenez et al.

The judgments are affirmed. McConnell, P.J.; We Concur: Nares, J., Aaron, J.

D048368 People v. Parrish

The sentence is set aside and the case is remanded for resentencing. In all other respects, the judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., McIntyre, J.

D049990 In re Jay H., a Juvenile

The order terminating parental rights is reversed. The juvenile court is ordered to direct the Agency to comply fully with the notice provisions of the ICWA and to provide the documents and information requested by the Nez Perce Tribe. After allowing time for notice and for the tribes to respond, the court is directed to hold a new hearing on Jay's status regarding the ICWA. If Jay is deemed to be an Indian child, the court shall proceed in conformity with the ICWA. But if no tribe intervenes in the matter, the court is authorized to reinstate the order terminating parental rights. McConnell, P.J.; We Concur: McIntyre, J., Irion, J.

D048338 Spaid v. California Franchise Tax Board et al.

The petition for rehearing is denied.

D050972 Tamika T. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Tamika T. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 18, 2007 (Continued)

**D050897 Beatriz C. v Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

The attorney for petitioner Beatriz C. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 19, 2007

D047856 Realmuto v. Ross Provence and Associates

The judgment is affirmed. Irion, J.; We Concur: McDonald, Acting P.J., Aaron, J.

D049575 People v. Williams

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Aaron, J.

D050387 People v. Caesar et al.

Caesar's conviction on count 2 shall be reduced to a conviction for attempted unpremeditated murder, and the trial court shall resentence Caesar accordingly. Further, this matter is remanded for the trial court to conduct a new sentencing hearing for both Caesar and Godbolt consistent with the views expressed in *Cunningham, supra*, 549 U.S. ____ [127 S.Ct. 856, 860]. In all other respects, the judgment is affirmed. Irion, J.; We Concur: Haller, Acting P.J., McDonald, J.

D049852 Smith v. The Superior Court of San Diego County/People

Let a peremptory writ of mandate issue directing the superior court to vacate its November 7, 2006 order denying Smith's motion to preclude the People from participating in the proceedings on his motion to discover information from the Jury Commissioner and enter a new order granting that motion. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 8.264(b)(3).) CERTIFIED FOR PUBLICATION. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

Court convened at 9:00 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke
Clerk: D. Moore

D047837 Friedman v. Manuel

Cause called on merits. Jack B. Winters, Esq. argued for appellant. Douglas A. Pettit, Esq. argued for respondent. Mr. Winters replied. Cause submitted.

Court adjourned at 9:35 a.m.

D050567 In re Hill on Habeas Corpus

The petition is denied.

D050521 In re Russell on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 20, 2007

D049957 In re Daryl C. Jr., a Juvenile

The petition for rehearing is denied. The opinion filed June 4, 2007, is modified. There is no change in judgment.

D049003 Jacob Shaw Incorporated v. City of San Diego Neighborhood Code Compliance

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Benke, J.

D048720 People v. Harris

The judgment is affirmed. Aaron, J.; We Concur: McConnell, P.J., McIntyre, J.

D049245 People v. Butler

The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., Aaron, J.

D050568 In re Tolliver on Habeas Corpus

The petition is denied.

D049577 Arko v. Buckner et al.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

D051062 Evan V. v. The Superior Court of San Diego County/People

The petition is denied.

D050924 City of San Diego v. Superior Court of San Diego County/De Anza Cove Homeowners Association Inc., et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 21, 2007

D048402 Ray v. San Diego State University et al.

The judgment is affirmed. The Defendants are to recover their costs of appeal. McIntyre, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D050046 In re Amanda P., a Juvenile

The judgment terminating parental rights is reversed. The matter is remanded to the juvenile court, with directions to order the Agency to give proper ICWA notice to all applicable tribes and the BIA. If, after proper notice, no tribe seeks to intervene or otherwise indicates Amanda is an Indian child, the court shall reinstate the judgment. Haller, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D048685 People v. Fernandez

The judgment is affirmed. Haller, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D048473 Horton Jr. v. Commission on Teacher Credentialing

The judgment is affirmed. Parties to bear their own costs on appeal. Haller, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D048534 People v. Evins

The judgment is affirmed. McConnell, P.J.; I Concur: Haller, J., Dissenting: Irion, J.

D049812 People v. Cimoszko

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D049778 Giovanni B. v. Superior Court of San Diego County/City of Chula Vista
Police Department**

The opinion filed May 30, 2007, is ordered certified for publication.

D050970 May v. Superior Court of San Diego County/People

The petition is denied.

D050548 In re Swezey on Habeas Corpus

The petition is denied.

D050504 Jaffe & Company Inc., et al. v. Thorworth

The appeal filed March 9, 2007, is dismissed because appellant did not timely deposit costs for preparing the record on appeal (Cal. Rules of Court, rules 8.120(c), 8.130(b), 8.140).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 21, 2007 (Continued)

D051101 In re Newell on Habeas Corpus

The petition is denied.

D048705 People v. Jimenez

The judgment is affirmed. The abstract of judgment is ordered corrected to show that count 1 appellant was convicted of a violation of section 368, subdivision(b)(1), and that the sentence enhancement attached to count 1 is that defined in section 12022, subdivision(b)(1). Benke, J.; We Concur: McConnell, P.J., McIntyre, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 22, 2007

D051023 In re Botello on Habeas Corpus

The petition for writ of habeas corpus In re: Botello (D051023) will be considered with the pending appeal in People v. Botello (D049362). Respondent is directed to file a response to the petition on or before July 9, 2007. Petitioner may file a reply within 20 days after the response is filed.

D048373 Valentine v. Flowers et al.

The judgment is reversed and the matter is remanded to the trial court for further proceedings. Plaintiff and cross-defendant Valentine shall recover his costs on appeal. Nares, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D050623 In re Antonio L., a Juvenile

The appeal is dismissed. McDonald, J.; We Concur: McConnell, P.J., O'Rourke, J.

D051106 People v. De Loach

The notice of appeal is premature because no appealable order or judgment has yet been entered. The appeal is dismissed without prejudice to refiling a notice of appeal after an appealable order or judgment has been entered.